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BOOKS

An American Example

STRANGERS ON A BRIDGE: THE CASE OF COLONEL ABEL. *By James B. Donovan. 432 pages. Atheneum. $6.95.*

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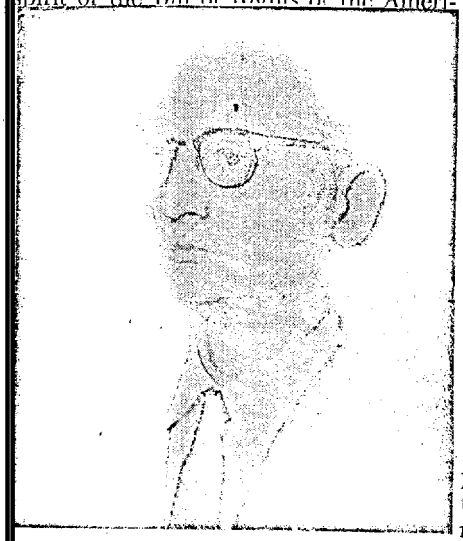
Forty-eight-year-old James B. Donovan is a robust Brooklynite used to a variety of difficult tasks. During World War II he was general counsel of the OSS; later he became an associate prosecutor at Nuremberg; recently he negotiated the release of some 9,700 Cubans and Americans from Cuba; and at the present moment he is having his troubles, in a situation hot with racial tension, as unpaid president of New York City's Board of Education. But none of Donovan's experiences has placed him in such a vivid and concentrated light as his defense, beginning in 1957, of the Soviet "master spy" Col. Rudolf Ivanovich Abel. That service, vividly described in this book, ended in February 1962, when Donovan escorted Abel to the middle of a Berlin bridge, where Abel was exchanged for the American U-2 pilot Francis Gary Powers.

Donovan was asked to represent Abel by the Brooklyn Bar Association, acting in the spirit of the Sixth Amendment which holds that the accused in every criminal prosecution "shall enjoy the right . . . to have the assistance of counsel for his defense." The first of three charges against Abel (conspiracy to transmit atomic and military information to Soviet Russia) carried the death penalty, and Donovan could find no evidence in "American or modern European history of a foreign spy being executed for peacetime espionage." Donovan also felt that Abel had been illegally arrested, in the light of the Fourth Amendment, which protects people "against unreasonable searches and seizures." Abel had been picked up at New York's Hotel Latham: "He and his belongings had disappeared from Manhattan off the face of the earth; there was no public disclosure of his arrest, his transfer to Texas 2,000 miles away, or his being held as a prisoner suspected of committing a capital crime."

Justice: Donovan took the defense, with the belief that the world should be given an example of American justice. He was determined to hammer home the point that Colonel Abel, and *not* Soviet Russia, was the defendant in the case. The lawyer asked a fee of $10,000 which he divided among Fordham University and Harvard Law School (his own schools) and Columbia Law School (that of his assistants).

Thus there took place the spectacle of a devout Roman Catholic American lawyer defending a secret agent of the officially atheistic Soviet Union, in the spirit of the Bill of Rights of the Ameri-



Abel; A friend in need

an Constitution. Donovan argued his ase before the Brooklyn U.S. District ourt and twice before the U.S. Supreme Court. He lost all three times, but fter the first Supreme Court decision, hief Justice Warren thanked him on ehalf of the entire Court: "I think I an say that in my time on this Court o man has undertaken a more arduous, nore self-sacrificing task . . . It gives us reat comfort to know that members of ur bar associations are willing to undertake this sort of public service in this ype case, which normally would be offensive to them."

Defendant: Opposite Donovan there was Rudolf Ivanovich Abel. This wiry, gray little man with keen patrician features spoke English perfectly with an upper-class British accent, and was easy with five other languages and American slang. He was an electronics engineer, knew much about chemistry, nuclear physics, and mathematics, and was an amateur of music and painting. For years he had not seen his wife and daughter in Russia, but he regularly received microfilm letters from both filled with melancholy and great affection.

Abel operated largely out of a studio in downtown Brooklyn equipped with hollowed-out screws, cipher tables, maps, countless tools, a photographic laboratory fitted for microfilming, and a varied library ("Abel read Einstein the way some people read Erle Stanley Gardner"). He claimed that he had never transmitted information by radio out of the U.S. or been asked to steal atomic secrets. There seems little or no evidence against him of important espionage. His composure apparently never failed him, and when he had been sentenced to 30 years, he said equably to Donovan, concerning his defense: "That wasn't bad. What you said up there was quite well done."

In Berlin, shortly before their final parting, Abel for the first time dropped the "Mr. Donovan" and greeted his former lawyer with "Hello, Jim." He told Donovan that someday he hoped to give him an "appropriate expression" of gratitude. In August 1962, the lawyer received a package which had been sent to him across the Berlin wall. It contained "two rare, sixteenth-century, vellum-bound editions of 'Commentaries on the Justinian Code,' in Latin."

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